

REMARKS

Applicants have carefully reviewed the Office Action (hereinafter "Action") dated 10 March 2008.

Objections to the Drawings

In the Action, the Examiner objected to the fact that "network 500" on page 17 of the Specification had not been included in a drawing. The Specification has been amended to remove the reference 500.

In light of this amendment, Applicants request reconsideration and withdrawal of the Objections to the drawings.

Objections to the Specification

In the Action, the Examiner objected to the length of the Abstract in the Specification, and objected to a few informalities in the Specification.

The Specification has been amended as described above to address these Objections..

No new matter has been added.

In light of the above amendments, Applicants request reconsideration and withdrawal of the Objections to the Specification.

Status of the Claims

Claims 1-29 are currently pending in this application, and are original. Claims 1-3, 6, 14-17, 19-21, and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. EP 0 980 055 A1 to Sneed et al. (hereinafter "Sneed"). Claims 25 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of U.S. Pub. No. 2002/0099634 to Coutts et al. (hereinafter "Coutts"). Claims 4, 5, and 7 stand rejected under 35

U.S.C. §103(a) as being unpatentable over Sneed in view of U.S. Pub. No. 2004/0181496 to Odinotski et al. (hereinafter "Odinotski"). Claims 26 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Coutts, and further in view of Odinotski. Claims 8-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of U.S. Pat. No. 7,165,107 to Pouyoul et al. (hereinafter "Pouyoul") and Official Notice. Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of U.S. Pat. No. 6,772,048 to Leibue et al. (hereinafter "Leibu"). Claims 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Official Notice.

Claim Rejections

Applicants hereby traverse the Rejections and respectfully request reconsideration and withdrawal of the Rejections in view of the remarks set forth below.

35 U.S.C. §102(b) rejections of claims 1-3, 6, 14-17, 19-21, and 24

Claims 1-3, 6, 14-17, 19-21, and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sneed.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP §2131.

Independent claim 1 recites, among other things, a peer receiving a payment request from a user and dynamically selecting a suitable peer on the network to process a payment request.

Sneed does not describe the subject matter of claim 1. Sneed discloses a system in which a plurality of wireless parking meters may communicate with a radio base station, which is then hardwired to a billing center, a credit validation server, or a government or corporate administration facility (Sneed, Figure 1 and paragraph 16). Sneed discloses that there can be multiple wireless

parking meters and multiple billing centers, as denoted by the ellipses in Figure 1 of Sneed, but fails to describe multiple radio base stations. The wireless parking meters are the "peers" that receive payment requests from users. Since these wireless parking meter "peers" disclosed in Sneed can only communicate with one other element (the radio base station), these "peers" do not select a suitable peer, because selecting a suitable peer involves choosing among multiple options. The wireless parking meter "peers" of Sneed do not have a choice among multiple options – they can only communicate with the radio base station to process payment requests.

Thus, Sneed fails to describe "a peer receiving a payment request from a user [and] dynamically selecting a suitable peer on the network to process the payment request," as recited in independent claim 1. For at least the reason cited above, Sneed fails to anticipate claims 2-3, 6, 14-17, 19-21, and 24, because they depend from, and add limitations to, independent claim 1.

Therefore, the 35 U.S.C. §102(b) Rejections of claims 1-3, 6, 14-17, 19-21, and 24 should be withdrawn.

35 U.S.C. §103(a) rejections of claims 25 and 27-28

Claims 25 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Coutts.

For an office action to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." See also MPEP § 2143.

Independent claim 25 recites, among other things, a peer receiving a payment request from a user, and based at least partially on stored information about availability and service competency of the peers, selecting a suitable peer on the network to process a payment request.

Sneed and Coutts, taken in combination, do not describe, suggest, or teach all of the elements of claim 25. As mentioned above, Sneed does not disclose a peer receiving a payment request from a user and selecting a suitable peer on the network, and also does not describe, suggest, or teach the ability of a "peer" wireless parking meter to select another "peer" to interact with. Coutts fails to bridge the gap and make up for the lack of teaching in Sneed. The term "peer" as used in Coutts refers to individual peripheral devices within an automatic teller machine (ATM) (for example, see Coutts, Figure 2, paragraph 18). Coutts does not describe, suggest, or teach individual peripheral device "peers" selecting suitable peers on the network; in fact, Coutts does not describe peripheral peers selecting any other peers, whether present in the same ATM or a different ATM, and also does not describe, suggest, or teach why a particular peer would even need to select another peer. Coutts fails to bridge the gap between Sneed and the claimed subject matter. Applicants therefore request reconsideration and withdrawal of the 35 U.S.C. §103(a) Rejection of claim 25.

Claims 27 and 28 depend from independent claim 25 and add further limitations thereto. Thus, Applicants request reconsideration and withdrawal of the 35 U.S.C. §103(a) Rejections of claims 27 and 28.

35 U.S.C. §103(a) rejections of claims 4, 5, and 7

Claims 4, 5, and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Odinotski.

Claims 4, 5, and 7 depend from independent claim 1.

As mentioned above, Sneed does not disclose a peer receiving a payment request from a user and dynamically selecting a suitable peer on the network, as recited in claim 1, and in addition also does not describe, suggest, or teach the ability of a "peer" wireless parking meter to select another "peer" to interact with. Furthermore, Odinotski fails to bridge the gap and make up for the lack of teaching in Sneed. Odinotski discloses systems and methods for a network of standalone parking meters. However, transactions are not processed at a central server; rather, each individual

standalone parking meter processes its own transactions (Odinotski, paragraph 38). In addition, even if a particular standalone meter is unable to process its transactions, there is no provision for it to select a peer standalone meter to process the transaction. Thus, Odinotski does not describe, suggest, or teach a peer "dynamically selecting a suitable peer on the network to process the payment request," as recited in claim 1, and fails to bridge the gap between Sneed and the claimed subject matter. Therefore, Applicants request reconsideration and withdrawal of the 35 U.S.C. §103(a) Rejections of claims 4, 5, and 7.

35 U.S.C. §103(a) rejections of claims 26 and 29

Claims 26 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Coutts, and further in view of Odinotski.

Claims 26 and 29 depend from independent claim 25. As mentioned in the remarks on claim 25 above, Sneed and Coutts, taken alone or in combination, do not describe, suggest, or teach a peer "receiving a payment request from a user [and] selecting a suitable peer on the network" as recited in independent claim 25. Furthermore, Odinotski fails to bridge the gap and make up for the lack of teaching in Sneed and Coutts. As discussed above with respect to claims 4, 5, and 7, Odinotski is concerned with a network of standalone parking meters where every meter processes its own transactions. Hence, Odinotski does not describe, suggest, or teach "[a] peer selecting a suitable peer on the network to process the payment request" or "the peer conveying user information and payment information to the selected peer," as recited in claim 25, and fails to bridge the gap between Sneed, Coutts, and the claimed subject matter. Applicants therefore request reconsideration and withdrawal of the 35 U.S.C. §103(a) Rejections of claims 26 and 29.

35 U.S.C. §103(a) rejections of claims 8-13

Claims 8-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Pouyoul.

Claims 8-13 depend from independent claim 1.

Pouyoul is concerned with the dynamic and transparent migration of services in a peer-to-peer networking environment for computing applications. Peers in a peer-to-peer network described by Pouyoul operate by posting queries to which other peers respond (Pouyoul, column 3 lines 43-46). Note that there is no selection on the part of the querying peer; that is, an individual peer does not specifically query another peer; rather it queries the entire network. In fact, one of the main advantages of the peer-to-peer network described by Pouyoul is to provide transparent service shifting in order to mask service or peer failure (Pouyoul, column 5 line 67 to column 6, lines 1-3), which would teach against the specific selection of a particular peer due to the possibility of failure. Therefore, Pouyoul does not teach a peer "dynamically selecting a suitable peer on the network to process the payment request," as recited in claim 1, and fails to bridge the gap between Sneed and the claimed subject matter. The Official Notice regarding claim 9 also does not address the failures of Sneed and Pouyoul in describing dynamic selection of peers, and fails to bridge the gap between Sneed, Pouyoul, and the claimed subject matter. Therefore, Applicants request reconsideration and withdrawal of the 35 U.S.C. §103(a) Rejections of claims 8-13.

35 U.S.C. §103(a) rejection of claim 18

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Leibu.

Claim 18 depends from independent claim 1.

As mentioned in the remarks above, Sneed does not describe, suggest, or teach the limitations of claim 1. Furthermore, Leibu fails to bridge the gap and make up for the lack of teaching in Sneed. Leibu discloses a system of wirelessly-interconnected vending machines where "only one vending machine needs to be equipped to receive credit but any one or more can dispense a product or products for the established credit" (Leibu, column 4 lines 25-28). Note that the entire point of Leibu is that the entire payment transaction occurs at one particular vending machine; nowhere in Leibu is it described, suggested, or taught that the machine receiving a payment request from a user may dynamically select another suitable peer to process the payment request, as recited

in claim 1. Thus, Leibniz fails to bridge the gap between Sneed and the claimed subject matter. Therefore, Applicants request reconsideration and withdrawal of the 35 U.S.C. §103(a) Rejection of claim 18.

35 U.S.C. §103(a) rejections of claims 22 and 23

Claims 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sneed in view of Official Notice.

Claims 22 and 23 depend from independent claim 1.

As mentioned in the remarks above, Sneed does not describe, suggest, or teach the limitations of claim 1. Furthermore, Official Notice fails to bridge the gap and make up for the lack of teaching in Sneed. Specifically, Official Notice does not describe the selection of peers, and thus fails to bridge the gap between Sneed and the claimed subject matter. Therefore, Applicants request reconsideration and withdrawal of the 35 U.S.C. §103(a) Rejections of claims 22 and 23.

CONCLUSION

In view of the above amendments and remarks, Applicants believes the pending application is in condition for immediate allowance.

Applicants believes no fee is due with this response, other than those indicated on the attached transmittal sheets. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. VHSE-P01-003 from which the undersigned is authorized to draw.

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Respectfully submitted,

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